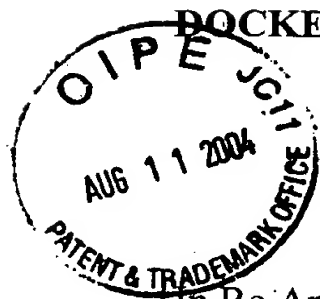


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1653



DOCKET NO.: JJPR-0014(ORT-1436)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

VIRGINIA SMITH-SWINTOSKY, et al.

Confirmation No.: 9298

Application No.: 09/863/600

Group Art Unit: 1653

Filing Date: May 23, 2003

Examiner: Abdel A. Mohamed

For: NEUROPROTECTIVE PEPTIDES

EXPRESS MAIL LABEL NO: EL999290597US

DATE OF DEPOSIT: August 11, 2004

EL999290597US

☐ MS Amendment ☒ MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

### REPLY TRANSMITTAL LETTER

- ☐ A Preliminary Amendment.
- ☒ A Reply Responsive to the Office Action Dated April 29, 2004.
- ☐ A Reply Supplemental to the Paper filed
- ☐ A Substitute Specification (pages 1 - ) in clean form.
  - ☐ A substitute specification (pages 1 - ) with markings.
- ☐ An Abstract is enclosed.
- ☐ replacement sheets of drawings are enclosed comprising figures
- ☐ Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- ☐ Petition is hereby made to accept drawing(s)/photograph(s) in this case.

08/13/2004 HALI11 00000032 09863600

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- ☐ Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- ☐ An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- ☐ A Certified Copy of each of the following applications: is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
  - ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ A Terminal Disclaimer is attached.
- ☐ Appendices as follows:
- ☒ Other: Exhibits "A" and "B".
- ☐ **No Additional Fee is Due.**
- ☐ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	17	(20 MINIMUM) 37	0	\$9 EACH	\$	\$18 EACH	\$00
INDEP. CLAIMS	3	(3 MINIMUM) 3	0	\$43 EACH	\$	\$86 EACH	\$00
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$145	\$	\$290	\$
<input checked="" type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$110.00
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$210	\$	\$420	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$475	\$	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$740	\$	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1005	\$	\$2010	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:				/			
TOTAL FEE DUE					\$		\$110.00

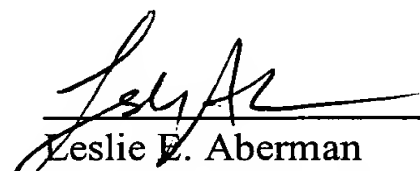
- ☒ A check in the amount of **\$110.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of       .00      . This sheet is attached in duplicate.
- ☐ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of \_\_\_\_\_ to and through \_\_\_\_\_ comprising an extension of the shortened statutory period of \_\_\_\_\_ month(s).

**DOCKET NO.: JJPR-0014(ORT-1436)**

**PATENT**

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: August 11, 2004

  
\_\_\_\_\_  
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**BOX AF**

DOCKET NO.: JJPR-0014 (ORT-1436)  
Application No.: 09/863,600  
Office Action Dated: April 29, 2004

**PATENT**  
**REPLY FILED UNDER EXPEDITED**  
**PROCEDURE PURSUANT TO**  
**37 CFR § 1.116**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
**Smith-Swintosky et al.**

Confirmation No.: **9298**

Application No.: **09/863,600**

Group Art Unit: **1653**

Filing Date: **May 23, 2003**

Examiner: **Mohamed, Abdel A.**

For: **Neuroprotective Peptides**

**EXPRESS MAIL LABEL NO: EL999290597US**  
**DATE OF DEPOSIT: August 11, 2004**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY PURSUANT TO 37 CFR § 1.116**

In response to the Official Action dated **April 29, 2004**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- ☐ **Amendments to the Specification.**
- ☒ **Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.
- ☐ **Amendments to the Drawings .**
- ☒ **Remarks** begin on page 5 of this paper.